

**Kansas Corporation Commission**  
**Commission Meeting**  
**May 19, 2016**  
10:00 a.m. 1<sup>st</sup> floor hearing room  
KCC Offices, 1500 SW Arrowhead, Topeka, Kansas

**MINUTES**

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on May 19, 2016 in the 1<sup>st</sup> floor hearing room of the Kansas Corporation Commission, 1500 SW Arrowhead, Topeka, Kansas.

Present: Chairman Emler, Commissioner Albrecht and Commissioner Apple. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Albrecht requested to remove Item #15, Docket No. 16-KCPE-325-TAR from the Consent Agenda. Commissioner Apple moved for approval of the Consent Agenda as amended: All other listed matters as presented for May 19, 2016 on the 3 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Albrecht seconded the motion. The motion was approved.

2. **Noticed:**

***Docket No. 16-CONS-721-CSHO, In the matter of an Order to Show Cause issued to Falcon Energy Corporation ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license.***

Commissioner Albrecht moved for approval of Order #16-1694 – *Order Affirming Default Order*. Commissioner Apple seconded the motion. The motion was approved. Chairman Emler abstained.

3. **A. Discussion - Agency Employee Policies**

Commissioner Albrecht moved to adopt Agency Employee Policy 16-04, Vehicle Use Policy. Commissioner Apple seconded the motion. The Motion was approved.

Commissioner Albrecht moved to adopt Agency Employee Policy 15-06, Use of Mobile Devices. Commissioner Apple seconded the motion. The motion was approved.

- B. Discussion – 2016 Business Meeting Calendar**

Commissioner Apple moved to amend the 2016 Business Meeting Calendar to reflect business meetings will be held June 7 and 9, 2016. Commissioner Albrecht seconded the motion. The motion was approved.

- C. Chairman Emler moved to meet in Executive Session for Personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved for a period of 30 minutes. Also called into Executive Session was Jared Harsin, HR Director. Commissioner Apple seconded the motion. The motion was approved.

The Commission moved into Executive Session at 10:13 a.m. and reconvened in public session at 10:43 a.m.

**The Commission took no action following the Executive Session.**

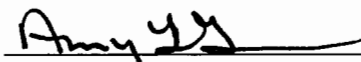
- D. Chairman Emler moved to meet in Executive Session for Personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved for a period of 10 minutes. Also called into Executive Session was Jared Harsin, HR Director. Commissioner Albrecht seconded the motion. The motion was approved.

The Commission moved into Executive Session at 10:44 a.m. and reconvened in public session at 10:54 a.m.

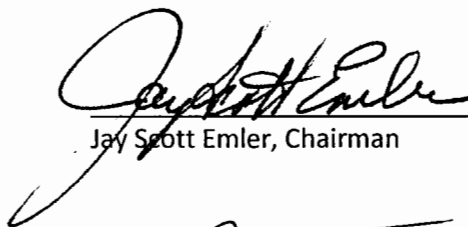
**The Commission took no action following the Executive Session.**

There being no further matters before the Commission, Commissioner Albrecht moved for adjournment of the Commission meeting. Commissioner Apple seconded the motion. The motion was approved. The Commission adjourned the May 19, 2016 Commission Meeting at 10:55 a.m.

Respectfully submitted,



Amy L. Green  
Secretary



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Thursday, May 19, 2016

NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. Unless removed from the website's Consent Agenda, the orders appearing on the Consent Agenda will become the Order of the full Commission at the Commission's regularly scheduled Business Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be considered separately or placed on the earliest possible Business Meeting agenda for discussion.

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the Application of Prairie Land Electric Cooperative, Inc. Seeking Commission Approval to Update its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Plan Approved in Docket No. 16-MKEE-023-TAR <i>Suspension Order Discovery Order and Protective Order</i>	16-PLCE-490-TAR	
2	In the Matter of the Application of The Victory Electric Cooperative Association, Inc. Seeking Commission Approval to Update its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR <i>Suspension Order Discovery Order and Protective Order</i>	16-VICE-494-TAR	
3	In the Matter of Application of Western Cooperative Electric Association, Inc. Seeking Commission Approval to Update Its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR <i>Suspension Order Discovery Order and Protective Order</i>	16-WSTE-496-TAR	
4	In the Matter of the Annual Filing of Southern Pioneer Electric Company for Approval to Make Certain Changes to Its Charges for Electric Services, Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR. <i>Order Granting CURB's Petition to Intervene</i>	16-SPEE-501-TAR	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Emergency Suspension of Operating Authority of Haven Contracting, LLC of Edwardsville, Kansas, for Failure Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Order Reinstating Motor Carrier Operating Authority</b>	16-TRAM-448-OOS	
6	In the Matter of the Investigation of Superior Excavating, LLC of Andover, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <b>Penalty Order</b>	16-TRAM-516-PEN	
7	In the Matter of the Investigation of Terry Price & Susan Kelly Price, d/b/a T&S Trucking of Overbrook, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <b>Penalty Order</b>	16-TRAM-518-PEN	
8	In the matter of a Compliance Agreement between CK Oil and Gas LLC, and Commission Staff regarding five wells in Cowley and Butler Counties. <b>Order Approving Compliance Agreement</b>	16-CONS-4027-CMSC	
9	In the Matter of the Investigation of A & A Trucking, LLC of Garden City, Kansas, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <b>Order Setting Hearing</b>	16-GIMM-481-KHP	
10	In the Matter of the Investigation of Varco Motors, LLC of Denison, Kansas, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <b>Order Setting Hearing</b>	16-GIMM-480-KHP	
11	In the matter of the failure of Mid-Continent Energy Corp. ("Operator") to comply with K.A.R. 82-3-407 at the Rohleder #1 in Graham County, Kansas. <b>Order Designating Prehearing Officer and Setting Prehearing Conference</b>	16-CONS-3912-CPEN	
12	In the matter of an Order to Show Cause issued to Verde Operating Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</b>	16-CONS-3838-CSHO	
13	In the Matter of the Investigation of Tad Allen Davis, d/b/a Tad Davis of Dighton, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <b>Penalty Order</b>	16-TRAM-519-PEN	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the Emergency Suspension of Operating Authority of Charles R. Redlon, d/b/a Redlon of Frontenac, Kansas, for failure to Comply with Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <b><i>Emergency Order Suspending All Intrastate Motor Carrier Operations</i></b>	16-TRAM-520-OOS	
15	In the Matter of the Application of Kansas City Power & Light Company for Approval of Residential All-Electric Rider Tariff <b><i>Order Staying Proceedings</i></b>	16-KCPE-325-TAR	X


The above-captioned matter(s) were approved by the Commission, unless noted as removed.

For the Commission :

  
Jay Scott Emler, Chairman

  
Shari Feist Albrecht, Commissioner

  
Pat Apple, Commissioner

Attest:   
Amy L. Green  
Secretary to the Commission

**KANSAS CORPORATION COMMISSION**  
**AGENCY EMPLOYEE POLICY**

TITLE/SUBJECT: Vehicle Use Policy  
Policy Number: 16-04

Approved by: The Commission

Effective Date: May 19, 2016

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Purpose:

To establish a uniform policy for KCC employees to understand and abide by pertaining to the responsibility for care and operation of agency vehicles or personal vehicles used for official agency business.

Policy:

While operating vehicles owned by the KCC or personal vehicles used for official agency business, employees are required to:

- have a valid driver's license;
- obey all traffic laws;
- avoid situations that are likely to damage vehicles, e.g., driving through high water, ice storms, etc.;
- use prudence to avoid unnecessary risk of damage to vehicle if his or her job duties require remote or off-road driving.

While operating vehicles owned by the KCC, employees are required to:

- keep the vehicle clean, properly serviced and in a good state of repair;
- return the vehicle with a full tank of gas.

While operating a vehicle owned by the KCC or personal vehicles used for official agency business, employees shall NOT:

- drive while under the influence of alcohol or drugs, or while taking medication that impairs the employee's judgment or the ability to safely operate a vehicle;
- use cell phones without an approved hands free communication device to accept or make calls or send text messages.

While operating a vehicle owned by the KCC, employees shall NOT:

- use tobacco products, including the use of E-Cigarettes.

Procedures:

An employee shall immediately notify his or her supervisor if a traffic citation is issued to them while driving a KCC vehicle or if he or she is involved in any vehicle related accident while driving during or in the course of performing his or her job duties.

An employee whose job requires that he or she maintain a valid driver's license must immediately notify his or her supervisor if his or her driver's license has been suspended, cancelled or restricted.

Employees are responsible for following this policy. Failure to comply with the policy may result in disciplinary action, up to and including suspension, termination, or participation in a safe driving

course, depending upon the circumstances.

**KANSAS CORPORATION COMMISSION  
AGENCY EMPLOYEE POLICY**

TITLE/SUBJECT: Use of Mobile Devices  
Policy Number: 15-06

Approved by: Commission

Effective Date: May 19, 2016

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**Purpose:**

To establish a uniform agency-wide policy outlining the use of agency-issued mobile devices

**Policy:**

The KCC shall provide communication devices, including cell phones, smartphones, and tablets to selected employees to improve customer service and enhance business efficiencies. Such devices should be used responsibly and are not for personal benefit. Personal calls should be infrequent and kept to a minimum in length.

**Guidelines:**

**General:**

- Mobile devices shall only be issued upon a help desk ticket stating the need from the employee's division director.
- Text messages are not retained by the agency. Therefore, texting shall not be used for any official agency business that would fall under the records retention statutes. In general, this applies to records that have administrative, fiscal, legal, or historical value. (See K.S.A. 45-402 *et seq.*)
- Employees are responsible for operating state-owned vehicles and potentially hazardous equipment in a safe and prudent manner. Therefore, employees shall not use mobile devices without an approved hands free communication device to accept or make calls while operating such vehicles and equipment. Further, sending or reading text messages while operating such vehicles and equipment is prohibited.
- All employees are expected to use agency-issued mobile devices responsibly. Misuse of agency issued mobile devices may result in their revocation, and possible disciplinary action against the employee pursuant to K.S.A. 75-2949, as amended. Overage charges related to excessive personal use of data, voice, and text usage may be charged to the employee. Excessive personal use will be determined by the employee's supervisor.
- Any agency-issued mobile device that is lost, damaged or stolen due to employee negligence shall be replaced or repaired at the employee's expense. If the device was issued with a protective case and the employee removes the case, and the device is subsequently damaged, the employee shall be held responsible for repairing or replacing the device.



TITLE/SUBJECT: Use of Mobile Devices  
Policy Number: 15-06

Approved by: Commission

Effective Date: April 14, 2015

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- If an issued device is lost or stolen, the employee shall immediately notify the IT Department so that IT staff can remotely wipe the device.

Personal Use of Agency-Issued Devices:

Personal use of an agency-issued mobile device should be infrequent and kept to a minimum in length

Business Use of Personal Devices:

- The KCC discourages business use of personal mobile devices. Employees who choose to use their personal devices for business use are responsible for maintaining the security of agency information.
- The use of software to sync KCC email to a private device such as a smartphone is not allowed without the permission of the employee's division director.
- Employees who choose to use their personal device for business use will not receive reimbursement for expenses related to the mobile device.
- Employees who choose to use their personal device for business shall not download confidential agency information.

Procedures:

- Each monthly statement shall be reviewed by the supervisor and employee. The supervisor and employee are both required to sign the statement.
- Calls that fall under personal use shall be identified on each statement and labeled as "Personal."
- The employee shall be responsible for reimbursement to the KCC, only if minutes go over the plan limit and are not approved by their supervisor. The employee shall contact the Fiscal Office for the appropriate amount payable.
- All reimbursements are to be made within 15 days of receipt and reconciliation of the monthly statement.